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Notice of Allowability

Application No.

09/727,623

Applicant(s)

HALLINAN ET AL.

Examiner

Art Unit

Arrienne M. Lezak

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4 August 2005.
2. ☒ The allowed claim(s) is/are 1-9, 11-19 and 21-24.
3. ☒ The drawings filed on 01 December 2000 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| <ol style="list-style-type: none">1. <input type="checkbox"/> Notice of References Cited (PTO-892)2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none">5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>8.22.05</u>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance9. <input type="checkbox"/> Other _____ |
|--|---|


DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John E. Campbell, Agent for Applicant on Monday, August 22, 2005.

The application has been amended as follows:

Claim 1:

(Please delete from lines 9-11) –“said first resource comprising connection handles, each identifying a connection between the service provider and a user”—

(Please delete from lines 12-15) –“said second resources comprising object handles, each identifying an object to be used by the service provider in performance of a service for the associated connection”—

(Please insert at line 21) –first and second resource requests from the user, said first resource comprising connection handles, each identifying a connection between the service provider and a user, said second resources comprising object handles, each identifying an object to be used by the service provider in performance of a service for the associated connection, each dummy resource—

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Claim 11:

(Please delete from lines 9-11) –“said first resource comprising connection handles, each identifying a connection between the service provider and a user”—

(Please delete from lines 12-15) –“said second resources comprising object handles, each identifying an object to be used by the service provider in performance of a service for the associated connection”—

(Please insert at line 26) –first and second resource requests from the user, said first resource comprising connection handles, each identifying a connection between the service provider and a user, said second resources comprising object handles, each identifying an object to be used by the service provider in performance of a service for the associated connection, each dummy resource—

Claim 21:

(Please delete from lines 18-20) –“said first resource comprising connection handles, each identifying a connection between the service provider and a user”—

(Please delete from lines 21-24) –“said second resources comprising object handles, each identifying an object to be used by the service provider in performance of a service for the associated connection”—

(Please insert at line 35) –first and second resource requests from the user, said first resource comprising connection handles, each identifying a connection between the service provider and a user, said second resources comprising object handles, each

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identifying an object to be used by the service provider in performance of a service for the associated connection, each dummy resource—

Claim 24:

(Please delete from lines 12-14) –“said first resource comprising connection handles, each identifying a connection between the service provider and a user”—

(Please delete from lines 15-18) –“said second resources comprising object handles, each identifying an object to be used by the service provider in performance of a service for the associated connection”—

(Please insert at line 23) –first and second resource requests from the user, said first resource comprising connection handles, each identifying a connection between the service provider and a user, said second resources comprising object handles, each identifying an object to be used by the service provider in performance of a service for the associated connection, each dummy resource—

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance:

After extensive searching and analysis of the best prior art in light of Applicant's claimed invention, Examiner finds that both Wipfel '688 and VanDervort '626 require dedicated interconnects, thus there is no first resource request having connection information since the connection is dedicated and must exist before the request for a sharable resource.

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Additionally, Examiner is persuaded by Applicant's argument that the combination of references would result in a system in which pooled resources are allocated from a resource pool in accordance with a single request with a first node probing a second node to see if there is a valid interconnect, and dummy cells would be provided in the data stream over a virtual connection between the first node and the second node, which dummy cells are replaced at a first test access point with predetermined test cells. Examiner agrees with Applicant that this combination is not the invention claimed by Applicant.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arrienne M. Lezak whose telephone number is (571)-272-3916. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571)-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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